ANNUAL REPORT

for the fiscal year
ending March 31, 1985

Advisory Council on the Status of Women

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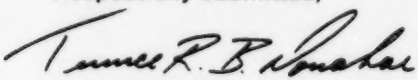
To His Honour

The Honourable Alan R. Abraham, C.D.
the Lieutenant Governor of Nova Scotia

Sir:

I have the honour to submit herewith the report of the Nova Scotia Advisory Council on the Status of Women for the fiscal year ended March 31, 1985.

Respectfully submitted,



T.R.B. Donahoe
Minister Responsible for the
Status of Women Act

The Honourable T.R.B. Donahoe
Minister Responsible for the
Status of Women
Province of Nova Scotia
Halifax, Nova Scotia

Sir:

I have the privilege on behalf of the Nova Scotia Advisory Council on the Status of Women to present our report on the work of the Council for the fiscal year ended March 31, 1984.

Respectfully submitted,

Francene Cosman

Francene J. Cosman (Mrs.)
President

NOVA SCOTIA ADVISORY COUNCIL ON THE STATUS OF WOMEN

MEMBERS

President:
COSMAN, Francene J.
59 Bedford Hills Road
Bedford, Nova Scotia 835-5663 (H)
B4A 1J8 424-8662 (W)

CARVERY, Linda Mrs.
2110 Creighton Street
Halifax, Nova Scotia
B3K 3R4 422-4389 (H)

DOUCET, Marilyn Mrs.
R.R. No. 1, Labutte
Meteghan River
Nova Scotia
B0W 2L0 769-2091 (H)
(Term expired August 31, 1984)

ELLSWORTH, Marg Ms.
14 Church Street
Dominion, Cape Breton
Nova Scotia 849-8942 (H)
B0A 1E0 539-8500 (W)

EMMETT, Dorothy Mrs.
Lawrencetown
Annapolis County
Nova Scotia
B0S 1M0 584-3546 (H)
(Term expired August 31, 1984)

GRANT, Deborah Mrs.
5735 Inglis Street
Halifax, Nova Scotia
B3K 1K5 423-7718 (H)
(Term expired August 31, 1984)

MACGREGOR, Jane Mrs.
93 MacLean Street
Glace Bay, Nova Scotia
B1A 2K9 849-3767 (H)
(Term expired August 31, 1984)

MACISAAC, Irene Mrs.
28 Harold Street
P. O. Box 266
Port Hawkesbury, Nova Scotia
B0E 2V0 625-1347 (H)

MCLEAN, Ellen Dr.
R.R. No. 1, Eureka
Pictou County, Nova Scotia
B0K 1B0 923-2593 (H)
(Term expired August 31, 1984)

OLIVER, Linda Mrs.
1581 Larch Street
Halifax, Nova Scotia 425-6376 (H)
B3H 3W9 421-4543 (W)

STEWART, Margaret Ms.
28 Leverett Street
Kentville, Nova Scotia 678-8998 (H)
B4N 2K6 678-6156 (W)
(Term expired August 31, 1984)

KELLY, Margaret Ms.
20 Westridge Drive, Apt. 49
Halifax, Nova Scotia 422-8641 (H)
B3M 3K8 469-6160 (W)
(Term expired August 31, 1984)

LASSALINE, Donna Mrs.
Site 12, Box 2
R.R. No. 1
Dartmouth, Nova Scotia
B2Y 3X7 434-0083 (H)

SWINDELLS, Irene Mrs.
19 Grosvenor Road
Halifax, Nova Scotia 443-1322 (H)
B3M 2E3 423-6225 (W)

ADVISORY COUNCIL OFFICE

Suite 115/117, Roy Building
1657 Barrington Street
Halifax, Nova Scotia
B3J 2A1

Telephone: 424-8662
424-8664

Mailing Address:
P. O. Box 745
Halifax, Nova Scotia
B3J 2T3

COUNCIL'S MANDATE

The Nova Scotia Advisory Council on the Status of Women is a group of persons appointed by Cabinet. Its membership includes an elected chairperson, vice-chairperson and an appointed full-time President. The Council meets five times a year, with provision for up to two special meetings if required. Three standing committees — Legislative, Program and Personnel — meet and make recommendations to the Council.

The mandate of the Council is twofold:

1) to advise the Minister upon such matters relating to the status of women as referred to the Council for consideration by the Minister, and
2) to bring to the attention of the Minister matters of interest and concern to women.

The Council in carrying out its duties may:

- receive and hear petitions and suggestions concerning the status of women
- undertake and recommend research on matters relevant to the status of women
- recommend and participate in programs concerning the status of women
- propose legislation, policies and practices to promote equality of opportunity and status
- publish reports, studies and recommendations.

ANNUAL REPORT

Throughout the period April 1984-March 1985, the Advisory Council was involved in activities focusing on the needs of women in Nova Scotia.

Members of the Council are from various regions of the province and are in close working contact with many women's groups.

During the past year, five Council meetings were held. The Executive Committee met eight times, and the Program, Personnel and Legislative Committees met a total of five times.

Four issues of the Newsletter were produced and sent to the 700(+) women's groups and individuals on the mailing list. In addition to keeping them informed of the Council's activities, the Newsletter focused on the timely subjects of the Labour Standards Code, initiatives announced by the Minister responsible for the Status of Women, Affirmative Action and Contract Compliance, Pornography, The Charter of Rights and Freedoms, Property Rights and the Constitution.

Regional Meetings have met with a positive response. They have been held in Sheet Harbour on the subjects of Family Violence, and in New Glasgow on Breast Cancer and the National Breast Screening Project.

The Council identified the need for research about the female offender following discussions with the Elizabeth Fry Association. The Atlantic Institute of Criminology conducted the research with its own funding in close consultation with the Advisory Council. Other research projects are pending to provide background information for the council and its future work.

The Council's publications continue to be in heavy demand. "Survival ... a Sourcebook for Widows" is sold through the Government Bookstore, "Wife Battering, a Criminal Offense" and "The Disabled Woman — Her Special Problems" are in circulation as free booklets. Our brochures have increased as well, with "Child Abuse," "What's Wrong with Pornography" and "D.E.S. - what you need to know" in wide use. A Poster Program has begun to widen awareness about the Advisory Council and why it exists. The original 97 recommendations of the Task Force on the Status of Women have been reviewed as to current status and a publication produced entitled "Implementation Report - Revised 1984" circulated to women's groups.

The Council held its Annual Meeting at Mount Saint Vincent University with Maude Barlow speaking on pornography to over 125 men and women. The Council has met with the Honourable T.R.B. Donahoe, Minister responsible for the Status of Women, and the Honourable Gerald Sheehy, Minister of Health. The Executive Committee has met with the Attorney General Ron Giffin; the Deputy Minister for Consumer Affairs, Ms. Cathy MacNutt; and the Chairman of the Amusement Board Regulations, Mr. Don Trivett.

The Council has embarked on an active fieldwork program, networking with women as individuals and groups in four regions of Nova Scotia. Lorna Banks Davis is working in the Cumberland area out of Parrsboro; Joan MacAdams Trenbirth is working in the Shelburne/Queens area out of Hunts Point; Helen Turner is working in the Eastern Shore area out of Moser River and Stella Bourgeouis is working in the Inverness North area out of Cheticamp. The Co-ordinator of Regional Services, Ms. Yvonne Fern, resigned in August and a suitable replacement is being hired to undertake supervision of the fieldwork program and related duties.

THE PRESIDENT'S REPORT

Nearly three years ago the Government of Nova Scotia gave me a mandate as President of the Nova Scotia Advisory Council on the Status of Women.

At the start of my term I had one major goal in mind — creating increased awareness for Nova Scotian women about issues affecting them, coupled with creating awareness that the Advisory Council exists as a legitimate voice to Government on issues about, for and concerning women. It is with mixed emotion I see the end of my three years' mandate approaching.

During the past three years the Annual Reports have increased in size, reflecting the increase in general activities of the Council and the demands placed upon it and its President.

Briefs have been presented to:

Minister of Education — Equal Employment Opportunity, Affirmative Action, Contract Compliance, January 1984

Special Committee on Pornography and Prostitution — Pornography and Prostitution, May 1984

Minister of Justice and Attorney General of Canada — Response to an Act to amend the Divorce Act, August 1984.

These briefs have also been provided to the Minister responsible for the Status of Women Act.

The need for research has been identified on a number of issues. Increased awareness by the public has multiplied the number and time of requests for information made to our office. The staff have met these requests with diplomacy and a helping attitude, either by getting the information directly or referring the caller to another agency. The subjects have become more complex with each passing year, contributing to the public's expectation that the Council can answer a host of questions with knowledge on many topics.

A quiet evolution has been taking place. Increasingly women are returning to the work place, designing new shared parenting responsibilities and occupying more positions of authority. Nova Scotia's women reflect the same statistics as other women across Canada. We account for 52% of the population, 1:10 of us is battered in a family relationship, 40% of married women will divorce and the wage gap between the full time earnings of men and women remains at 34%. The impact of poverty on the elderly female in Nova Scotia essentially mirrors the rest of the Country.

The Council has endeavored to deal with the concerns of Nova Scotia's women by recommending many actions to the Government of Nova Scotia. Many of our recommendations, if heeded by Government will go far in improving the status of women. While we have gained significant credibility with the women of the province, our credibility as a voice to be listened to and respected has not significantly affected changes in legislation.

The establishment of strong ties with the women's network in our province, the sharing of knowledge, goals and ambitions, is creating a strength of voice for Nova Scotia's women. It is imperative that voice be heeded.

Confusion has always existed about the word "feminist." Many women are using the term "equalist" in its place. Our work together will create equal opportunity and an equal place in society, which so many of us believe in, and therefore struggle for.

Women are working together on global issues, among which are peace and disarmament, water supply and agriculture, poverty and food production. In Canada our energies have been focused upon pension reform, family violence, pornography and economic reform. Our hopes have been raised high on numerous occasions, only to be dashed time and again. The plight of Indian women who lose Indian status upon marriage to a non-Indian remains unsolved. Amendments to the Criminal Code, the Broadcasting Act and the Divorce Act came very close to reality last June, only to die on the order paper. Closer to home, women still await action and response on the Nova Scotia Labour Standards Code, and on many areas of study identified in the Nova Scotia Plan of Action. The result of the highs and lows between promises and results is a renewed vigor and determination to strengthen our effort toward equality.

My hopes are sustained by the commitment of the Government of Nova Scotia to a fieldwork program, in which part-time staff network in various regions of the Province. My hopes are sustained by the statements of intent articulated in the Nova Scotia Plan of Action, whereby many issues have been identified for further analysis and policy formation. My hopes are sustained by international, national and provincial focus on progress as the end of the International Decade for Women draws to a close. It is through these activities and many more that the blueprint for the next decade will evolve.

Respectfully submitted,

Francene Cosman

Francene J. Cosman (Mrs.)
President

HIGHLIGHTS OF THE PRESIDENT'S ACTIVITIES

Among the many groups addressed by the President in the past year were:

- Canadian Federation of University Women's Club (Bedford Basin Branch)
- Eastern Shore Learning Opportunities for Women
- Xi Beta Chapter, Bedford
- Rockingham United Church Annual Meeting
- Bedford United Church Women's Annual Meeting
- Y.W.C.A. (Barrington Street) Annual Dinner Meeting
- Mount Saint Vincent University Assembly for International Women's Day
- Dartmouth Business and Professional Women's Organization
- Dalhousie University, second year Sociology Students
- Sheet Harbour Lioness Club
- Zonta Club in Truro
- Acadia University Women in Wolfville
- Miss Murphy's Business College, graduation address
- C.G.I.T., graduation address
- Oyster Pond Firettes
- Bedford United Church Congregation
- Atlantic Television/Atlantic Satellite Network staff
- Board of Social Development of Policy Board
- Canadian Public Personnel Management Association
- Bethany United Church women
- I.O.D.E., Middleton
- Parrsboro High School Senior Class
- "Women's Issues" Committee, Zonta Club, Truro
- Cheticamp Women's Group
- Bedford Catholic Women's League
- Association for Family Violence, conference speaker
- Pictou County University Women
- Bedford-Sackville Church Ministers
- Queen's County Women's Group
- Brunswick Street United Church Women
- Stairs Memorial United Church Women
- Oyster Pond Firemen's Association

The President has had liaison with the following organizations:

— Supportive Action for Women
— Elizabeth Fry Association
— Committee on Family Violence, Department of Social Services
— Joint Human Rights and Education Committee
— Nova Scotia Paraplegic Association
— Interdepartmental Committee on the Status of Women
— Atlantic Institute of Criminology
— Bryony House, Halifax
— Collins House
— Adsum House

Women's Issues have received an increased amount of media attention this year in various locations in Nova Scotia. The President participated in a number of interviews: with CJCH Radio, CBC Radio, CHNS Radio, Q-104 Radio, C-100 Radio, Annapolis Valley Radio, Bedford Daily News, Kings College Journalism, the Truro Daily News, United Press, the Eastern Shore Weekly, the Chronicle Herald, Atlantic Television and CBC (T.V.).

In addition, press releases have increased awareness about issues on pornography, pension reform, poverty and women, family violence and economic issues.

The President attended joint meetings of Advisory Councils in Ottawa and Quebec City, and the Federal/Provincial/Territorial Meeting of Ministers responsible for the Status of Women in Niagara-on-the-Lake. As well she attended the conference on Equal Pay for Equal Value in Toronto, the People's Law Conference in Ottawa and the Economic Council of Canada Conference in Montreal.

LIFESTYLE AWARD

The Nova Scotia Advisory Council on the Status of Women nominated Mrs. Connie Wenaus of Dartmouth for the Federal Government's Award through National Health and Welfare. Out of 250 nominees, Connie was one of twenty-five chosen from across Canada. She received her award on May 22 at the ceremony in Ottawa. The award is designed to provide deserved recognition to Canadians who have made, on a voluntary basis, a remarkable and continuing contribution in promoting health and social services in their communities. Connie's life is one of service with a commitment to the particular needs of senior citizens.

WOMEN'S RECOGNITION DINNER

The Nova Scotia Advisory Council on the Status of Women nominated Mrs. Hazel Hemeon of Lower Sackville for the YWCA of Halifax Recognition of Women Award. Out of 26 nominees, Hazel was one of three chosen. She received her award on June 18 at the Women's Recognition Dinner in Halifax. The award is designed to provide public recognition of women in Halifax, Dartmouth and Halifax County area, who through their initiative, ability and effort have made an exemplary contribution to the community and to their own field of interest. Hazel's life is one of social service, helping to encourage positive attitudes in women about themselves. She developed and implemented the Supportive Action for Women Program.

HIGHLIGHTS OF BRIEFS

Affirmative Action

The Brief entitled "Equal Opportunity, Affirmative Action and Contract Compliance" was presented to the Honourable T.R.B. Donahoe, Minister responsible for the Status of Women. Due to the length of the report, it is summarized here.

The Nova Scotia Advisory Council on the Status of Women recently submitted a brief to the Nova Scotia Government calling for renewed commitment to affirmative action and contract compliance.

What does affirmative action mean? Affirmative action is a comprehensive approach to the indentification and elimination of discrimination against minorities and women. Hiring practices, policies and procedures which discriminate against these groups are analysed and systematically removed. Affirmative action programs are designed to eliminate barriers traditionally, and in most cases unintentionally, built into our systems and institutions.

The Nova Scotia Advisory Council on the Status of Women has made a number of recommendations to strengthen existing affirmative action programs within the Government of Nova Scotia:

1. That department profiles be adopted.
2. That an annual report of department profiles be prepared, published and circulated by the Nova Scotia Civil Service Commission. The following demographics would be included in the annual report:
   a) the relative changes in the representation of men and women in various positions in the Nova Scotia Civil Service including vacancies, referrals, interviews of target groups, success rate and number of target group placements (or rate of failure) and information on female seniority and target group seniority;
   b) figures on salary and occupational distributions of men and women at the end of the fiscal year;
   c) an analysis to distinguish changes arising as a result of the operation of the affirmative action program apart from changes arising as a result of other trends, including a five year comparison graph;
   d) an analysis of average salary;

e) an analysis of the average number of years and service by ministry and sex;
f) the occupational distribution by numbers, percentage, minority groups and sex;
g) results of competitions for increasing women's representation in under-represented classes;
h) women hired as a percentage of total hired;
i) women accounting for increase or decrease in the total job component;
j) distribution of employees according to pay plan.

3. That the Government of Nova Scotia, through an analysis of individual department profiles, select priority areas among government departments in which women as under-represented groups will be targeted for special measures to increase their employment. A target profile indicating the anticipated female participation rate by 1990 will be established.
4. That the Nova Scotia Civil Service Commission initiate an accurate up-to-date skills inventory with the commitment to provide the staff component to maintain the inventory.
5. That individual departments provide a departmental profile in which specific target groups will be enumerated with reference to recommendation #2.
6. That the Deputy Ministers of every department establish and maintain a consistent, universally applied, reporting mechanism to ensure the effectiveness of affirmative action practice in their departments.
7. That such a reporting mechanism identify applicants from the target groups in the reports to the Deputy Ministers.
8. That summer students, part-time students, etc., have the same reporting mechanism applied.
9. That the Deputy Ministers make every effort to ensure that the managerial groups are aware of the management role in successfully carrying out affirmative action policies and programs.
10. That department managers' performance appraisal include a section on whether or not the affirmative action goals are successfully being met.

As well as these recommendations, the Nova Scotia Advisory Council on the Status of Women is calling for affirmative action in education:

1. An adult education specialist for women be employed, whose primary focus would be vocational education for women.

2. That female students in public schools have access to highly qualified guidance counsellors who have expertise in counselling females and are knowledgeable about the impact of microtechnology, mathematics, science and computer literacy on career choices.
3. That computer counselling via a system of career options be developed and accessible to all female students.
4. That sequential family life science studies be compulsory for males and females.
5. That pre-trades for women be available in training institutions, followed by introduction to trades training.

Education choices affect employment opportunity. Today's job market reflects the enormous changes brought about by the impact of technology. The majority of job choices which offer the promise of satisfactory wages and upward mobility for women require the knowledge of mathematics, science and computer literacy. It is of paramount importance that female students receive guidance counselling, preferably from a female guidance counsellor, stressing the importance of mathematics, science and computer literacy as subject areas which affect future job options. Computer counselling should serve as an adjunct to guidance counselling and be set up in a manner to provide suitable and numerous career options. In this manner, students, by answering selected pre-determined questions, may find career choices about which they are not aware. It is necessary to provide wide ranging career options rather than limited negative computer counselling in which only a list of subjects related to one course is offered.

Many girls in our province will drop out of school, failing to complete grade 12, because of pregnancy. If these young women are able to support themselves and their dependents, programs must be created to offset the number of girls so affected.

In addition, the Advisory Council proposes that contract compliance be legislated to increase employment opportunities and advancement for female employees, and other minorities, in organizations tendering for government contracts.

Governments spend millions of dollars every year in dealing with the private sector. The idea of the government applying its purchasing power to further its social or economic policies is not new. The contractual relationship between government and contractors provides a unique opportunity for the promotion of affirmative action objectives.

The Government of Nova Scotia is one of the largest single employers of women in the province. As such, the government has two options to initiate more effective programs to attain equal opportunity and affirmative action goals for upgrading women and increasing their participation rate. Option number 1): It can require contract compliance from companies who are purely a supply and service nature, and 2): It can require compliance from all groups including companies, agencies, sub-contractors and institutions which are provincially funded.

The mechanism exists whereby the Government of Nova Scotia could encourage corporations with which it is involved financially to become active participants in affirmative action. Therefore, companies who are privileged to receive funds from government would be required to file affirmative action plans at the time contracts are entered.

We therefore recommend that the Government of Nova Scotia enact legislation for contract compliance, and that in drafting such legislation, a model similar to the Nova Scotia Human Rights model be devised.

Conclusion

The wage differential between males and females in full-time and part-time employment has not significantly improved in the past decade. This indicates that current policies of Federal and Provincial Governments, along with private industry, have not significantly succeeded to the degree possible in improving upon the representation and earnings of women in the labour market.

Renewed commitment to the principles of affirmative action and contract compliance by the Government of Nova Scotia, both in its Civil Service and in its relationship with the private sector, will vastly improve the economic plight of the working women in Nova Scotia. To achieve this, certain activities must be vigorously pursued and supported by government, through its agencies, and by the private sector. The Nova Scotia Advisory Council fully supports both an improved affirmative action commitment and the use of contract compliance to fulfill the goals of this commitment.

BRIEF PRESENTED TO THE SPECIAL COMMITTEE ON PORNOGRAPHY AND PROSTITUTION, MAY, 1984

The Brief presented to the Special Committee on Pornography and Prostitution (Fraser Committee) was also provided to Honourable T.R.B. Donahoe, Minister responsible for the Status of Women Act.

The Nova Scotia Advisory Council on the Status of Women welcomes the opportunity to express its concerns on the issue of pornography.

We view this opportunity as one of extreme importance.

The Nova Scotia Advisory Council on the Status of Women endorses the following definition of pornography taken from the Helen E. Longino book, "Pornography, Oppression and Freedom —A Closer Look":

> *"Pornography is the verbal or pictorial material which represents or describes sexual behaviour that is degrading or abusive to one or more of the participants in such a way to endorse the degradation."*

All of the views expressed in this paper are based on the acceptance of the above definition.

The Council views pornography as an issue for all people. Society's standards are under monthly, weekly, daily and hourly assault. To a visitor, it would appear that North Americans are obsessed with sex. Sex sells everything, and if you want to market a product, it has to be sexy. Whole industries devote themselves to making people, particularly women, sexually attractive.

Our film, home video, and television industries are purveyors of sexually explicit material. The television stations contribute largely to the education of the public about common social standards. Citizens generally believe a large portion of what they see and hear on television to be true. The newest addition, pay television, beaming pornographic material into Canadian households is a cause for alarm.

What values are learned watching this material? How can a parent control the amount and type of programming watched by children and teengers? The answers are simple. The values learned by watching pornography on television are destructive. It is impossible to control the television viewing of a child on a 24-hour a day, 7-day a week basis. It is the responsibility of the television

networks to restrict their content, providing programming that meets with acceptable community standards.

Printed pornography is equally pervasive. A local, well respected bookstore sells the following 29 titles:

"I.T."	"Hot Talk"	"International"
"Advocate"	"Variations"	"Penthouse"
"Bronc"	"Pillow Talk"	"H and E"
"Mandate"	"Touch"	"Gallery"
"Stallion"	"Cartoon Carnival"	"Oui"
"Torso"	"Genesis"	"Swank"
"First Hand"	"Turn Ons"	"High Society"
"Blue Boy"	"Cheri"	"Gent"
"Letters"	"One Woman"	"May Fair"
"Heavy Metal"	"Playboy"	

The 29 magazines can be purchased by any person, regardless of age. (The vendor indicated that several magazines were kept in the back of the store because the management deemed them too foul to sell. The distributors place pressure on the vendor to sell all pornographic materials.) Among them are magazines promoting incest and child-rape. Some of these are available on the stands displayed at the eye level of a toddler. Destructive messages are being taught or reinforced by this material.

Discussion or debate about pornography frequently includes discussion about freedom of expression and censorship. Freedom of expression, including the press and other media communication, is restricted when it includes degradation of people of different races, colours and creeds. Why not women? Surely acts of violence, brutality and sexual humiliation contained in pornographic literature are degrading to human beings.

The Canadian Charter of Rights and Freedoms guarantees fundamental freedoms "set out in it subject only to such reasonable limits prescribed by laws as can be demonstrably justified in a free and democratic society."

Films and videotapes showing women nude, bound and gagged, hanging from meat hooks, with semen sprayed on their bodies cannot be termed within "reasonable limits."

It is time society refused to tolerate this widespread distribution of pornography. We cannot commit crimes. We cannot cheat, defraud, assault or murder people. Society's protection against chaos is the law. Would anyone dare to argue that the protection

afforded human beings against the promotion of dehumanizing, degrading abuse is wrongful censorship?

It is important that the law upholds the rights of all people.

Women, and in particular, young women, are the prime target for violent, degrading pornography. Women are objectified by pornographic portrayals, and appear often as mindless, worthless objects. The Nova Scotia Advisory Council on the Status of Women views this portrayal of women as a breach of the equality rights stated in the Canadian Charter of Rights and Freedoms.

Another group affected by pornography is children. Kiddie porn actresses and actors are *real, live kids*. We condemn the use of innocent children to produce this material. Who speaks for these children if the adults they trust abuse them in this gruesome fashion? Who protects the rights of children exposed to a wide range of pornographic material at an early age? What harm befalls children inundated by pornographic material at an early age?

Children learn by imitation and example, and their minds are impressionable at an early age. Distorted views of human sexuality can be nurtured and retained through life. The Council insists that special legislation be enacted to protect children from pornography.

Men's views about human sexuality cannot help but be negatively affected by the large amount of prurient sexual material available for their reading, viewing or listening. Pornography dehumanizes sex, teaches men that being all-powerful is important in sexual relations. This material indicates that the torture and degradation of women and children in a variety of ways is sexually pleasurable for men. Mutually satisfying sexual relationships, on the other hand, are not described.

Documented case studies prove that aggressive and violent sexual tendencies are aggravated by exposure to pornography. This aggravation may be related to the large increase in sexual offences, violent crimes, and various other forms of anti-social behaviour over the past ten years.

Society's standards are under assault. Pornography has seeped into every crevice of life. Pornography undermines societal attitudes and values.

A healthy society abhors violence. Pornography creates a climate for social and sexual desensitization, so that cruelty and violence become the norm.

A healthy society supports equality of men and women. The promotion of male dominance contravenes equality of the sexes guaranteed in the Charter of Rights and Freedoms. Pornography

objectifies women and children, portraying them only as the sexual objects of men.

A healthy society supports a positive, secure environment for children. Pornography teaches attitudes and values about human beings that are totally unacceptable. Present lax rules or regulations of this industry make it totally impossible to monitor a child's exposure to pornographic materials. Insofar as the participation of children in sexual material as well as pornographic material is concerned, sexual child abuse has already been legislated as a punishable crime. We insist that this legislation be universally and absolutely enforced.

A healthy society supports normative, sexual and personal relations. The enhancement of healthy sexual conduct and relationships is impossible in pornography. Human beings are portrayed in a degrading way.

The Advisory Council strongly urges all three levels of government to cooperate in solving the problems created by pornography.

We recommend that:

1. A clear, concise definition of pornography be established in law.
2. Special Federal and Provincial Legislation be enacted to protect children from participation in pornography.
3. Special Federal and Provincial Legislation be enacted to protect children from exposure to pornography. The Legislation would include the following:
   (I) Selling, renting or showing pornographic materials to minors (under age 19) is a punishable crime.
   (II) Pay television networks be restricted to screening of adult entertainment to late hours (i.e., after midnight); no pornographic screening on a public media station.
   (III) Severe fines be levelled against offenders.
4. Federal legislation be enacted to include child prostitution in the Criminal Code.
5. Federal and Provincial Legislation be enacted* to ensure that (A) film, video, and printed matter depicting abusive, degrading, violent sex be prohibited; and (B) regulations to

*Under Provincial jurisdiction, the Department of Municipal Affairs (or equivalent) be encouraged to allow municipal units to pass by-laws in accordance with guidelines set by the Province.

display and sell revised sexual literature (i.e. minus elements of violence and degradation) be enacted as enumerated below:

(I) Package materials with only titles showing;

(II) Seal print media in cellophane wrappers;

(III) Sell material only in licensed establishments which are closely monitored and controlled (i.e., like the Nova Scotia Liquor Commission);

(IV) Set up a regulatory board to rate magazines similar to the system in Nova Scotia established to classify films (and more recently, home video tapes);

(V) Use a classification system in order to definitively control pornography;

(VI) Impose severe fines on persons disobeying regulations.

6. Compulsory Sequential Family Life Science Programs be established by the Provincial Governments for all grades in schools across Canada, in which the problems of pornography could be sensitively discussed.

The Nova Scotia Advisory Council on the Status of Women is currently studying the issue of prostitution (legalization versus decriminalization) and will make a further submission to the Committee at a later date.

The Nova Scotia Advisory Council on the Status of Women believes that certain restrictions to freedom of expression are a necessary element of responsible and responsive democracy. We have a society which establishes controls on the behaviour of our society and censors certain anti-social actions and behaviours based on the body of law. The greater collective rights of people to live in a society protected by law against chaos supercede the individual's right to do solely what he/she pleases to anybody or anything.

POSITION PAPER ON BILL C-10, AUGUST 3, 1984

The Position Paper on Bill C-10 was forwarded to the Minister of Justice, Ottawa, and provided to the Honourable T.R.B. Donahoe and the Attorney General, Honourable R. Giffin.

"An Act to amend the Divorce Act," Bill C-10 was introduced in the House of Commons of Canada in the Second Session of the Thirty-second Parliament 1983-1984 (January 1984), by the Minister of Justice, the Honourable Mark McGuigan. The bill died on the order paper in June 1984, with the dissolution of the session following the announcement of a Federal election called for September 4, 1984.

In anticipation that regardless of the outcome of the election, the successful party will move to re-introduce amendments to the Divorce Act based primarily on the original Bill C-10, this position paper is provided to document the concerns about Bill C-10 by the Nova Scotia Advisory Council on the Status of Women.

Introduction

Four out of 10 marriages in Canada end in divorce. If current trends continue, it is likely that this number will continue to increase with longer life expectancy and a society in which traditional views are no longer held sacred.

Divorce has long been an adversarial action based on fault, resulting in economic injustice for generations of women. Matrimonial Property Laws in various provincial jurisdictions have resulted in a variety of judgments across Canada. Changes to Canada's Divorce Act have long been needed. Five elements in the Act will be dealt with: 1. grounds for divorce, 2. maintenance/support, 3. custody/access, 4. enforcement and 5. appeal.

1. Grounds

Bill C-10 proposed that a "no fault" basis be the only basis for divorce. The words "mental cruelty, adultery, etc." are abolished and replaced with "marriage breakdown." A one year waiting period is required. While supportive of the no-fault approach, which removes the animosity and "mud slinging" of the past, there is a concern that in cases of violence and cruelty the wife would be required to wait a period of one year. Such extenuating

circumstances merit a clause to be drafted whereby a divorce could be obtained more quickly if warranted by extreme conditions.

Recommendation: That a provision be drafted whereby extenuating circumstances would allow the one year period to be shortened.

2. Maintenance/Support

In a divorce action, women most frequently are the ones who need and receive maintenance. Bill C-10 has as its goal that the person receiving maintenance reach economic self-sufficiency within a reasonable time. Implicit in the Bill is a move to limit divorce orders, setting a time limit that is irrevocable. Setting a time limit is subject to human failure to predict the future — the state of the job market, employment trends, etc., are beyond the ability to predict with accuracy. The Bill allows an application for an extension of time only before the time period is up which is dangerously limiting and could leave a woman without recourse. A review of maintenance payments illustrates that many payments dwindle or cease altogether. Historically, the practice of garnishee of a husband's wage has been limited to 15% of the wage. It is possible that a maintenance order for a fixed sum could be in excess of 15% of the wage and be disallowed by the garnishee statute. Bill C-10 does not address the economic plight of women who have never worked, who are unlikely to be trainable or re-trainable, for whom no job may be available, or for whom age is an obvious barrier to the job market. It does not address the economic reality of women who, on the average, in full-time employment earn 63¢ for every one dollar a male earns in full-time employment. Bill C-10 does nothing to address the fact that women who divorce, and support dependents while working full-time, become severely economically disadvantaged without adequate and on-going maintenance/support. Nor does the bill address the future imbalance of spousal pension income.

Recommendation: That the Maintenance Section be drafted to reflect the needs of children and spouses both short term and long term, taking into account such factors as economic inequality, age, ability to train/retrain, ability to enter the job

market and at what entry level and pension entitlement.

Recommendation: That a method be drafted by which the court can review the maintenance/support situation at the time of termination, and that such review also be allowed after the time period for termination ends.

Recommendation: That no statute could restrict a garnishee to an amount less than the Maintenance Act establishes.

3. Custody/Access

Bill C-10 states that the "best interests" of the child are the paramount consideration. The legislation does not remove the consideration of parental conduct when awarding custody. It is possible under Bill C-10 to have a no-fault divorce, but introduce fault in the discussion of custody. No criteria have been defined to evaluate "best interest," leaving it open to individual judgments based on a wide variety of factors. Decisions about custody must not be left to the whims of individual judges.

Recommendation: That conduct only be considered when it is related to the spouses' parenting skills or abilities.

Recommendation: That guidelines and a criterion for judgment in awarding custody be established so that consistency is maintained by individual judges.

Recommendation: That a specific definition of access be established, reducing the vagueness of the words "as much as possible."

4. Enforcement

It is estimated by the Law Reform commission of Canada that the overwhelming majority of support orders are in default. (A decade ago, the figure was 75%.) Although husbands generally have the

ability to pay, many fail to do so, knowing full well that collection and enforcement techniques are miserable. Women whose husbands default payment are not in any economic position to go through the court system and its attendant expense. At present, the enforcement of a maintenance order is a Provincial jurisdiction, which historically has not worked to the benefit of women whose husbands default. Canadians are a mobile society, which makes the problem even more complex due to the very nature of geography and distance. Changes or a reduction to pay an order can be sought by the payer in another province of residence. The entitled spouse would then be required to go to the expense of attending the hearing in the other province. Often, default of payment occurs because the payer moves around from one location to another and cannot be located.

Recommendation: That a National Enforcement Agency be established with all support orders registered automatically. (This would take collecting support out of the hands of the person entitled.)

Recommendation: That an application to the court to change the order for payment be required to be heard in the province of the person entitled, or in both provinces.

Recommendation: That in order to locate the payer, a central collecting agency be allowed access to Revenue Canada's Information Bank.

5. Appeal Procedure

Bill C-10 would abolish the Decree Absolute, allowing an appeal on the Decree Nisi so that no monies would be paid for a period of 90 days.

Recommendation: That the Decree Absolute be maintained and the period of appeal be established at 30 days.

Conclusion

The Nova Scotia Advisory Council on the Status of Women supports "no-fault" divorce as proposed in Bill C-10. The Bill is not without shortcomings, which can be addressed in an analysis of the factors set forth in this position paper.

FINANCIAL REPORT

1983 - 1984 ACTUAL EXPENDITURES		$173,972.
SALARIES AND WAGES	$114,478.	
TRAVEL	$ 21,688.	
PROFESSIONAL AND SPECIAL SERVICES	$ 10,495.	
SUPPLIES AND SERVICES	$ 20,979.	
OTHER	$ 6,332.	

1984-1985 ESTIMATED BUDGET		$300,000.
SALARIES AND WAGES	$156,400.	
TRAVEL	$ 68,600.	
PROFESSIONAL AND SPECIAL SERVICES	$ 25,000.	
SUPPLIES AND SERVICES	$ 40,000.	
OTHER	$ 10,000.	